AOGCC Response to Comments on Proposed CCUS Regulations

Comments (available at: https://www.commerce.alaska.gov/web/aogcc/) received from:

1. Becky Long – Private Citizen, no affiliation listed (December 11, 2025)
2. Santos – Oil Search (Alaska) LLC (January 9, 2026)
3. University Alaska Fairbanks -The Alaska Railbelt Carbon Capture and Storage (ARCCS) project (January 12, 2026)
4. Susitna River Coalition (January 8, 2026)
5. Energy & Environmental Research Center (EERC) (January 13, 2026)
6. Center for Biological Diversity - The Alaska Center, Alaska Community Action on Toxics, Alaska Wilderness League, Cook Inletkeeper, Fairbanks Climate Action Coalition, Native Movement, and Northern Alaska Environmental Center (January 13, 2026)

Topic/Regulation	Commenter	Comment	AOGCC Response
General	Becky Long	I support the requirement that a carbon dioxide well would not be permitted to contaminate drinking water aquifers. Wells would have to be tested and monitored for assurance. I support that insurance or bonds be required to cover the costs of an accident. I support the requirement that carbon dioxide wells be firmly capped when abandoned. The costs should be covered by the applicant and not public monies	AOGCC thanks you for participating and providing comments. The goal of these regulations is to be as stringent as the federal code in their requirements for Class VI wells and to obtain Class VI primacy from EPA. The fundamental Underground Injection Control program responsibility is protection of freshwater aquifers. This is achieved through site selection including an area of review and potentially remediation of existing wells, well construction, zonal isolation assurance, well testing and pressure monitoring, plume migration modelling, inspection and reporting. Additionally, financial assurance (bonding) requirements cover all stages of the project including well and facility abandonment.

			The program as codified by Alaska Statute and AOGCC regulation is designed to be industry funded through fees and injection surcharges, and not by public monies.
Prior scoping comments	Santos	Santos appreciates AOGCC's consideration of its comments provided during the scoping period and AOGCC's response to those comments. Particularly, Santos is pleased to see that AOGCC has assessed that CCS in areas of active and/or former oil and gas reservoirs requires careful consideration, but ultimately makes logical sense given existing infrastructure, available data, and other cost-efficiencies.	The AOGCC agrees that carbon storage is appropriate for the state, including in active or former oil and gas reservoirs and also agrees that the proposed regulations implement the needed standards for careful consideration of appropriate siting.
20 AAC 25.435. Identification of underground source of drinking water	Santos	AOGCC's draft regulations stipulate that AOGCC will not approve a new aquifer exemption for a Class VI well, but an expansion of an existing aquifer exemption can be issued. AOGCC should consider whether it makes logical sense to limit Class VI wells in this manner if the criteria is met for an exemption for other well types and development.	To be approved for primacy to regulate Class VI wells, the state regulations must be at least as stringent as the federal regulations under 40 C.F.R. Part 146, Subpart H, Criteria and Standards applicable to Class VI wells (Other federal regulation stringency standards must also be met, *see,* 40 CFR 146.1, Subpart A). The federal rules allow expansion of the areal extent of an existing Class II aquifer exemption for Class VI wells, but do not allow for new aquifer exemptions for Class VI wells (40 C.F.R. 144.7(a) and (d)). In addition, 20 AAC 25.442 allows for expansion to the areal extent of an existing Class II aquifer exemption; this allows owners or operators of a

			Class II well to request an extension of the areal extent of an existing aquifer for the purpose of Class VI injection for carbon storage. Since the AOGCC regulation must be at least as stringent as the federal rules to obtain primacy, the commission declines to make the revision suggested. The AOGCC believes that the regulations as written will allow for adequate expansions of the areal extent of an existing aquifer for the underground carbon storage program.
20 AAC 25.1120(i). Conditions applicable to all permits	Santos	Santos recommends AOGCC include "at reasonable times" to 20 AAC 25.1120 (i)(2). Entering a storage facility or area of ongoing operations must be done in a safe and secure manner.	The AOGCC believes 20 AAC 25.1120(i) as written accommodates the commentor's request. 20 AAC 25.1120(i)(1) establishes the general authority to enter a storage facility or record premises, while the details of inspection in (j)(2) - (4) state that inspection of records, inspections, or sampling or monitoring will occur at "reasonable times." 20 AAC 25.1120 is at least as stringent than the federal rule on conditions applicable to all permits (40 CFR 144.51(i)). "Reasonable times" is included in AOGCC regulations where this in found in the federal rules, and the AOGCC declines to make any changes to 20 AAC 25.1120 (i). AOGCC agrees that the safety and security of operator and AOGCC staff during site inspections must be maintained and is confident that the proposed regulations accomplish that goal.
20 AAC 25.1180(e). Class VI well permit;	Santos	AOGCC proposes that an authorization to inject shall expire 12 months from the date it is issued if	The AOGCC appreciates this suggestion and will consider changing 20 AAC 25.1180 (e) to allow for an extension of the 12-month period for an

authorization to inject		the well has not been drilled or operated. This may not provide sufficient time for operators to start infield operations, particularly depending on seasonality, availability of infrastructure, funding, and other agreements. Moreover, a permit to drill for oil and gas allows for 24 months. Santos suggests AOGCC revise this requirement to be consistent with 20 AAC 25.005(g) or include language which would allow for an extension to be granted.	authorization to inject. This change does not affect stringency for the purpose of primacy.
20 AAC 25.1200. Financial responsibility	Santos	AOGCC should consider how existing operators (which have already demonstrated their financial responsibility and qualification) will be considered, and perhaps, in those scenarios, how AOGCC may be able to create efficiency and eliminate duplicative processes and requirements. Santos notes that in the spirit of Administrative Order 360, Governor Dunleavy has directed all agencies to review and eliminate areas of duplicative and redundant requirements. With respect to financial responsibility requirements in the Class VI Program, AOGCC should include language in this framework that considers an	20 AAC 25.1200 establishes financial responsibility requirements sufficient to protect underground sources of drinking water and to cover costs associated with carbon storage, including corrective action, Class VI well plugging, post injection site care and closure, and emergency and remedial response. This regulation is as stringent as the federal rule (40 CFR 146.85), but not more so and the commission declines to change the financial responsibility requirements established in 20 AAC 25.1200. The AOGCC believes the regulation as written provides the needed assurance for protection of environmental and public health. The AOGCC agrees with the suggestion to consider where there may be duplicative or redundant requirements, but within the restriction, to achieve primacy for regulation of Class VI wells, the AOGCC

		operator's existing financial responsibility and qualification and any duplicative or similar requirements, particularly 11 AAC 84.1075.	regulations must be at least as stringent as the federal rules as well as comply with Alaska state statutes. The AOGCC notes that financial responsibility for the Class II program is achieved through bonding regulation at 20 AAC 25.025, while the Class VI program requires additional financial assurance instruments due to more stringent construction, monitoring, and closure requirements. The AOGCC works with all surface and subsurface rights owners; these owners have different levels of financial assurance and different requirements for such assurance. The regulation referred to, 11 AAC 84.1075, was adopted by the Department of Natural Resources to require surety bonds for carbon exploration. Under 11 AAC 84.1075(g), a surety bond may be released if the factors in 11 AAC 84.1075 (h) (1) - (3) are met. 11 AAC 84.1075 is not an AOGCC regulation, and other than pointing it out, the AOGCC is the not primary interpreter of this regulation. AOGCC will work with a carbon storage facility operator to provide transparency on what AOGCC financial assurance is provided so that a landowner (e.g. ADNR) could potentially reduce duplicative or similar requirements.

20 AAC 25.1210(c)(2). Class VI well construction requirements	Santos	The requirement to cement to surface for Class VI wells is above and beyond what is required for oil and gas wells and could be difficult to achieve depending on the depth of the injection zone. While the draft regulations allow for approval of an alternative method of cementing, Santos suggests AOGCC instead require casing to the surface only when necessary.	Existing AOGCC regulations for oil and gas wells have extensive casing and cementing requirements detailed at 20 AAC 25.030. The AOGCC recognizes that Class VI wells have requirements that may be more stringent than those that apply to Class II wells. 20 AAC 25.1210(c)(2) implements construction requirements for Class VI wells and is drafted to be as stringent than the federal rule (40 CFR 146.86). Accordingly, 20 AAC 25.1210 (c)(2) requires "at least one long string casing, using a sufficient number of centralizers, must extend to the injection zone and must be cemented by circulating cement to the surface in one or more stages." 20 AAC 25.1210(c)(3) allows for the commission to approve an "alternate method of cementing in cases where the cement cannot be recirculated to the surface". This appears to address the concern raised by the commenter, and the AOGCC declines to change the proposed regulation.
20 AAC 25.1220(a)(1). Logging, sampling, and testing before	Santos	AOGCC should eliminate its requirement for drilling of a pilot hole for all Class VI wells. With proper and accurate wellbore placement, a pilot	20 AAC 25.1220 is drafted to be at least as stringent, as the federal rule (40 CFR 146.87). AOGCC does not believe that 20 AAC 12.1220(a)(1) nor 40 CFR 146.87(a)(1) requires the drilling of a pilot hole. If a

Class VI well operations		hole (that is later enlarged to the needed diameter) is unnecessary.	pilot hole is appropriate because of unknown site-specific conditions such as coring, formation identification, or well control, and is drilled, the operator must perform adequate deviation checks on the pilot hole. To support AOGCC's position, we refer the commenter to the EPA issued Guidance EPA 816-R-11-020 which is available at https://www.epa.gov/uic/final-class-vi-guidance-documents . EPA 816-R-11-020 Section 2.2.3 in part states "In many cases, a smaller-diameter pilot hole will be drilled prior to construction of the injection well…" AOGCC interprets the EPA guidance to be that if a pilot hole is drilled, the pilot hole must be compared against the final enlarged borehole and any divergence (creation of two holes) must be remediated, generally by cement, to ensure no unplanned pathway to fluid movement. 20 AAC 25.1220 (a) requires an operator to run "appropriate logs, surveys, and tests." As the commenter notes, and AOGCC agrees, a pilot hole is not needed simply for directional control - as currently available drilling practices and logging tools (such as periodic deviation surveys or logging while drilling (LWD)) can efficiently and accurately determine wellbore placement.
20 AAC 25.1420(a). Termination of permit	Santos	AOGCC should allow for an operator to correct any noncompliance prior to termination of a permit. Santos suggests that AOGCC revise 20 AAC	The process for termination of a permit in 20 AAC 25.1420 mirrors the federal rule (40 CFR 144.40) and is as stringent as the federal rule. The AOGCC recognizes the commenter's concern and notes that

		25.1420 to specify that termination may occur if the operator fails to correct the causes described in (a)(1)-(3).	the factors for termination are clear and designed to ensure compliance with all permit requirements (permits may be terminated for "noncompliance" 20 AAC 25.1420(a)(1)) and protection of human health and the environment. Further, 20 AAC 25.1140 provides a process for notification of non-compliance, and for the storage operator to detail how it plans to address noncompliance. Termination requires issuance of a notice of intent to terminate, and significant public process. The AOGCC believes that the regulation as written provides adequate protections to a storage operator before a permit may be terminated and declines to make any changes to the regulation as proposed.
20 AAC 25.1900 (4). Definitions.	Santos	Definitions. – Santos recommends that AOGCC also consider that U.S. 45Q credits are applicable to carbon dioxide and other carbon oxides in their regulations. Santos suggests that these definitions (between federal and state programs) be compatible and consistent.	AOGCC's proposed regulatory definition of carbon dioxide adopts the definition contained in Alaska statute at AS 41.06.210, complies with AS 41.06.115, and AOGCC declines to modify it in regulation. Moreover, throughout the AOGCC regulations and specifically for a storage facility permit at 20 AAC 25.1080(a)(7)(A), (C), and (D) the regulations speak of a carbon dioxide stream which, if compatible, could include other carbon oxides. "Carbon dioxide stream" is defined at 20 AAC 25.1900(6) to include carbon dioxide captured from an emission source, and incidental substances. Together these definitions provide a consistent and compatible definition of carbon dioxide and any associated stream.

General	UAF	As part of the ARCCS project, the project team has reviewed the proposed regulatory changes to Title 20, Chapter 25 of the Alaska Administrative Code and believes the proposed rules meet or exceed the stringency of the federal Underground Injection Control (UIC) Class VI regulations.	The AOGCC agrees with this comment.
Area Of Review	UAF	The project team also supports the flexibility incorporated into the proposed regulations, which appropriately mirror the federal regulatory framework with respect to Area of Review (AOR) delineation methodologies. Furthermore, as allowed under both the proposed Alaska regulations and the corresponding federal UIC Class VI regulations, the project team recommends that the Alaska Oil and Gas Conservation Commission (AOGCC) accept AOR delineations developed using the methodologies outlined in the U.S. Environmental Protection Agency's 2013 guidance document entitled Underground Injection Control (UIC) Program Class VI Well Area of Review Evaluation and Corrective Action Guidance. This includes, as explicitly	20 AAC 25.1070 establishes the area of review and corrective action standards required in 40 CFR 146.84. AOGCC regulations are designed to be as stringent as the federal code to achieve primacy and believes the proposed language establishes robust and meaningful area of review and corrective action standards. AOGCC believes risk-based AOR methodology for over-pressured reservoirs has significant opportunity for application in Alaska. AOGCC appreciates the information provided, the examples of projects utilizing this methodology, and accompanying reference information. AOGCC agrees that the EPA guidance allows for site specific flexibility as knowledge is built around use of new methodologies.

		stated in the guidance, the use of "more sophisticated methods than the analytical equations described" in cases involving over-pressured reservoirs.	
General	Susitna River Coalition	Alaska's watersheds remain among the most intact in North America, and their protection is central to public health, long-term economic resilience, and community well-being. While SRC recognizes that carbon storage may be considered as part of broader climate and energy strategies, we believe that any regulatory framework governing Class VI wells must place primary emphasis on the State of Alaska going beyond minimum requirements for protecting underground sources of drinking water (USDWs), maintaining public confidence in regulatory oversight, and ensuring long-term fiscal responsibility	A primary driver for the UIC program is the protection of underground sources of drinking water (USDW). The AOGCC takes this mission to protect underground sources of drinking water seriously, and the proposed regulations reflect that. To achieve Class VI primacy, the AOGCC regulations must be at least as stringent as the federal code. The regulations were drafted to be at least as stringent as the federal code, and as stringent as required to implement a protective program for Alaska. The AOGCC believes that the regulations provide robust regulatory oversight from development, planning, construction, monitoring, and closure to protect underground sources of drinking water.
Expansion of Aquifer Exemptions and Long-Term Water Supply Considerations	Susitna River Coalition	From a watershed stewardship perspective, SRC is concerned about the expansion of aquifer exemptions to accommodate Class VI storage. Alaska's proposed rules allow operators to request expansions of existing exemptions for formations	The AOGCC regulations mirror the federal code standards for aquifer exemptions and expansion of Class II aquifer exemptions for Class VI permitting purposes. The AOGCC considered these sections extensively and is comfortable that the standards for protection of underground sources of drinking water, including the standards for expansion to the

		that meet certain criteria, including total dissolved solids thresholds and current non-use as drinking water sources.	areal extent of an existing Class II aquifer exemption, will protect underground sources of drinking water.
Expansion of Aquifer Exemptions and Long-Term Water Supply Considerations	Susitna River Coalition	SRC encourages the development of Alaska-specific implementation standards that include, at a minimum: (1) explicit consideration of permafrost stability and freeze–thaw impacts on well integrity; (2) enhanced baseline characterization requirements where data gaps exist; and (3) monitoring and modeling approaches designed to account for seasonal hydrologic variability. These standards should be developed transparently, informed by Alaska-based expertise, and incorporated into permitting and oversight before large-scale CO_2 storage projects are authorized.	These suggestions and considerations are within the scope of the regulatory framework for the Class II and Class VI programs and are considered on a case-by-case basis. The AOGCC believes the regulations provide the AOGCC with the authority and flexibility throughout the process to implement good engineering practices learned from oil and gas operations in arctic conditions. This includes regulatory standards in 20 AAC 25.1010 (prohibition of movement into underground sources of drinking water), 20 AAC 25.1060 (minimum criteria for siting), 20 AAC 25.1070 (area of review and corrective action), 20 AAC 25.1120 (conditions applicable to all permits), 20 AAC 25.1180 (Class VI well permit; authorization to inject), and 20 AAC 15.1210 (Class VI well construction requirements).
Waivers of Class VI Construction Standards for Class II Conversions 20 AAC 25.1025 and 20 AAC 25.1210(e),	Susitna River Coalition	The Safe Drinking Water Act is fundamentally centered on preventing endangerment of USDWs. Alaska's proposed regulations would grant AOGCC broad discretionary authority to waive Class VI construction, testing, and pre-operational requirements when converting existing Class II wells. Under 20 AAC 25.1025 and 20 AAC	The AOGCC believes the Class VI regulations are as stringent as the federal code on preventing endangerment of underground sources of drinking water while also allowing for conversion of Class II wells to Class VI activities in conformance with the regulatory requirements. Further, the AOGCC believes that the federal code standards provide a high degree of protection to underground sources of drinking water from planning, construction, operation, closure, and post closure monitoring.

		25.1210(e), the Commission may waive casing, cementing, logging, sampling, and testing requirements if it determines that a converted well will not endanger USDWs. While federal regulations allow operators to demonstrate protection of USDWs, they do not provide an equivalent pathway for broad exemptions from modern Class VI standards. Given the long-term nature of CO_2 storage and the difficulty of remediating subsurface failures, SRC encourages a conservative approach that limits waivers and prioritizes full compliance with current construction and testing standards wherever practicable. This approach reflects standard engineering practice for long-term subsurface containment and provides greater assurance of protection for drinking water resources over the life of the project.	Accordingly, 20 AAC 25.1025 implements the standards of 40 CFR 146.81(c) and 20 AAC 25.1210(e) mirrors 40 CFR 146.86(b) and 40 CFR 146.81(c). The waiver referred to by the comment is limited and protections for safety of underground sources of drinking water still apply. The AOGCC believes that the regulations as drafted provide a conservative approach that establishes stringent construction (20 AAC 25.1210), testing, logging, and sampling (20 AAC 25.1220), and monitoring, mechanical integrity (20 AAC 25.1240), and monitoring (20 AAC 25.1250) requirements which together provide the protections requested by the commenter.
Long-Term Liability and Fiscal Responsibility	Susitna River Coalition	Class VI financial assurance and post-injection site care periods, typically on the order of 50 years… Watershed health is measured over decades and generations…. While the proposed post-injection monitoring period meets federal	The AOGCC is committed to ensuring necessary monitoring of carbon storage facilities to ensure protection of underground sources of drinking water and believes the regulations as proposed establish stringent and clear standards for monitoring. The default monitoring period of at least 50 years (AS 41.06.170(a)(3)), as implemented in 20 AAC

		minimums of just 50 years, SRC encourages regulators to consider monitoring approaches that reflect the multigenerational nature of groundwater protection.	25.1310, provides a meaningful and responsible timeline to ensure that the requirements of AS 41.06.170 (b) have been met (20 AAC 25.1320(d).
Long-Term Liability and Fiscal Responsibility	Susitna River Coalition	First, Alaska should adopt performance-based criteria for concluding post-injection site care, rather than relying solely on a fixed time period. Operators should demonstrate through monitoring data that the CO_2 plume has stabilized, pressure has equilibrated, and no migration toward USDWs is occurring—with the 50-year period serving as a minimum, not an automatic endpoint.	The commission believes the proposed regulations establish performance-based criteria by requiring operators to demonstrate, and the commission to review and approve, a demonstration that a storage facility does not pose a danger to human health, human safety, the environment, or underground sources of drinking water. The AOGCC believes the proposed regulations at 20 AAC 25.1310 post-injection site care, site closure, monitoring timeline (that mirrors 40 CFR 146.93) and implements standards of AS 41.06.170 provide the necessary review period. The AOGCC believes these establish a performance-based criteria for monitoring storage facility site health.
Long-Term Liability and Fiscal Responsibility	Susitna River Coalition	Second, Alaska should require operators to fund a perpetual monitoring endowment, sized to generate sufficient annual returns to conduct groundwater monitoring indefinitely. This model—successfully used for landfill post-closure care and mine reclamation—ensures that monitoring continues regardless of corporate ownership changes, bankruptcy, or the passage of time.	The AOGCC is not authorized under current statutes, to require operators to fund a perpetual monitoring endowment and accordingly could not propose such an endowment in regulation. The Alaska legislature would need to pass law to implement this suggestion.

		The endowment principal would remain intact while investment returns fund ongoing stewardship.	
Long-Term Liability and Fiscal Responsibility	Susitna River Coalition	Third, Alaska should establish a community-based groundwater monitoring program for areas near Class VI facilities. Funded by operator fees and designed to extend beyond formal site care, this program would train and compensate local residents to conduct ongoing water quality monitoring. This approach builds local capacity, creates early warning systems rooted in the communities most affected, and reflects the kind of multigenerational stewardship that Alaska's watersheds require.	AOGCC is not authorized under current statutes to require operators to fund a community-based groundwater monitoring program as suggested. The Alaska legislature would need to pass law to implement this suggestion.
Governance, Enforcement, and Technical Capacity	Susitna River Coalition	Effective Class VI oversight requires sustained technical expertise, consistent enforcement, and the ability to respond rapidly to emerging risks. While AOGCC has extensive experience regulating oil and gas operations, underground CO_2 storage presents distinct challenges, including long-term plume modeling, geochemical interactions, and monitoring requirements that extend well beyond typical oil and gas project lifecycles. Developing and maintaining this specialized capacity	Even after AOGCC receives primacy for the Class VI program, similar to the existing Class II program, EPA still retains oversight and enforcement authority as detailed in the Memorandum of Agreement (MOA) AOGCC and EPA will enter into. The MOA ensures AOGCC will benefit from the extensive experiences EPA has with the program. AOGCC is also a member of the state regulatory bodies Ground Water Protection Council (GWPC) and Interstate Oil and Gas Compact Commission (IOGCC) that assist states work through issues at all levels and transfer knowledge. A more detailed description of the AOGCC Class VI program and

		would require significant investment in staffing, training, and analytical tools. Retaining EPA oversight may provide greater regulatory continuity and technical specialization while reducing pressure on an already strained state budget. Before transferring full primacy, SRC encourages consideration of a phased or hybrid oversight model that retains EPA involvement during an initial transition period. At a minimum, the State should clearly demonstrate how technical capacity will be built and maintained, how enforcement will be resourced over the full life of Class VI projects, and how the program will be funded without compromising other regulatory responsibilities. Retaining EPA oversight, either fully or in partnership, may provide greater regulatory continuity and technical specialization while reducing risk to drinking water resources during program maturation.	implementation will be included in the AOGCC Class VI Primacy Application. The Alaska State Legislature has directed the AOGCC to pursue primacy over underground carbon storage (AS 31.05.030(h) and has given it broad authority to oversee all aspects of the program (AS41.06.105 and 41.06.110).
Public Participation	Susitna River Coalition	SRC's work with watershed-dependent communities has shown that meaningful public participation requires sufficient time, accessible information, and direct notification to	The AOGCC is committed to public participation and information sharing at all stages of the Alaska Class VI program. We believe the commenter's concerns are generally accomplished by the proposed regulations. For example,

		those most affected. Rural residents and private well users often need additional time to review technical materials and consult with neighbors and local experts. Direct notification to private well owners within the Area of Review is particularly important. These residents are frequently the first to observe changes in water quality and should have the opportunity to establish baseline conditions and participate in decision-making processes. Incorporating local hydrologic knowledge strengthens regulatory outcomes and supports public confidence. SRC recommends that budget considerations include funds available to nearby well owners for continued water quality testing.	water wells identified in Area of Review at 20 AAC 25.1070 are included in the storage facility permit at 20 AAC 25.1080 and may be part of a testing and monitoring plan at 20 AAC 25.1250(a)(4) and post injection site care and site closure plan at 20 AAC 25.1310. The site-specific characteristics will determine what frequency, if any, water well testing is prudent. The regulations establish wide public notice and allow persons to request notification of permit action (20 AAC 25.1150(c)(13)). Testing and verification of the carbon dioxide in a storage facility will be in the budget of the permit holder, and not an AOGCC or ADEC expense. AOGCC may only issue a certificate of completion (20 AAC 25.1320) if it can be shown the storage facility no longer poses a danger to underground sources of drinking water.
Conclusion	Susitna River Coalition	SRC encourages the Commission to take a conservative and Alaska-specific approach as it finalizes the Class VI regulatory framework and considers primacy. In particular, SRC urges careful limitation of discretionary waivers, heightened scrutiny of aquifer exemption expansions, and thoughtful attention to the long-term liability and monitoring gaps that extend beyond	The AOGCC appreciates your comments and participation in the regulations and Class VI public process. The AOGCC believes it has taken the approach suggested by the commenter, and that the regulations implementation of AS 41.06.170 on requirements for a certificate of completion provide thoughtful attention to long-term liability and provide conservative monitoring.

		minimum federal timelines. We also encourage the Commission to ensure that adequate technical capacity, enforcement resources, and funding mechanisms are in place for the full lifecycle of Class VI projects, and that public participation processes meaningfully include private well users and other directly affected residents. Protecting underground sources of drinking water is the core legal purpose of the Class VI program and a responsibility that necessarily spans generations. SRC appreciates the Commission's consideration of these comments and looks forward to continued engagement as AOGCC evaluates how best to safeguard Alaska's water resources while assessing the role of carbon storage in the state.	
General	EERC	Supportive of adoption of the AOGCC proposed regulations. Supportive of AOGCC pursuing and achieving Class VI Primacy from EPA. To support the state of Alaska, the EERC, through the PCOR Partnership, has reviewed the proposed rule changes to Title 20 Chapter 25 of the Alaska Administrative Code. We believe the requirements meet or exceed the EPA	AOGCC appreciates your participation in the regulations and Class VI primacy effort. AOGCC continues to rely on EPA, IOGCC, GWPC, PCOR partnership, and EERC for their continuous support and expertise.

		Underground Injection Control (UIC) Class VI program requirements in the protection of underground sources of drinking water (USDWs) and other resources. AOGCC has a long history of regulatory oversight and expertise in Alaska's geology, in the implementation of the UIC program, and in the protection of Alaska's natural environment including its USDWs.	
General	Center for Biological Diversity (CBD)	We reiterate and incorporate by reference the scoping comments we previously submitted to Docket Number: R-24-002 concerning the Commission's intent to pursue Class VI primacy for carbon dioxide ("CO2") injection wells.	AOGCC has linked the Public Scoping Hearing Comments including the AOGCC responses to those comments at https://www.commerce.alaska.gov/web/aogcc/ccus
General	Center for Biological Diversity (CBD)	As discussed in more detail below, we reiterate that the proposed regulatory changes intended to facilitate Class VI primacy for CO2 injection wells in Alaska would needlessly burden the state's agencies and resources where the state's geology and geography is ill suited for carbon capture and storage ("CCS") projects and the Commission does not have adequate resources or expertise to assume the responsibility of Class VI primacy. For	The AOGCC is committed to fully implementing AS 41.06.105 - 41.06.210 in a manner that provides protection of human and environmental health and allows for responsible development of underground carbon storage. The AOGCC believes that receiving primacy is the best way to provide stringent Alaska-specific expertise, resources, and experience to this program. Accordingly, the AOGCC will continue to work to receive state primacy for Class VI wells.

		these reasons, we urge the Commission not to move forward with these regulatory changes in support of a Class VI primacy application.	
Future Funding	Center for Biological Diversity (CBD)	The Notice of Proposed Regulatory Changes Does Not Identify Future Funding Sources Necessary for Increased Technical Expertise and Implementation of a New Class VI Permitting Program.	AOGCC was initially funded with a two-year appropriation from the legislature. AOGCC has received a $1.93 million grant award from EPA for the pursuit of Class VI primacy. This award is for 5 years duration. AOGCC also anticipates an annual EPA award similar to the Class II annual award, for ongoing program participation and reporting etc. By the design of the Alaska legislature, Alaska Statutes codified at 41.06.105-210 require the carbon storage facility program to be user pays (industry) through a set of funding mechanisms including application fees and injection surcharges. The AOGCC is confident that the funding is sufficient for AOGCC to implement the program with existing staff, additional staff, and expert consultants on an as needed basis.
Expertise	Center for Biological Diversity (CBD)	Class VI permits are complex and highly technical, covering activities spanning decades, including pre-injection, injection, and post-injection. Typically, EPA takes nearly two years to review and issue a draft Class VI permit. EPA's Class VI permit dashboard reflects this reality, showing that the agency has only issued four permits since the federal	The AOGCC appreciates the comments and agrees with your comments that permitting within the Class VI program is complex and highly technical. It is AOGCC's goal to process permit applications as efficiently as possible while maintaining standards of review and issuance on par with EPA's efforts.

		Class VI regulations became effective in 2011.	
Expertise / Funding	Center for Biological Diversity (CBD)	The technical expertise to permit Class VI wells is distinct from oil and gas permitting. Compressed CO2 is highly dangerous and has high corrosive potential. As noted by the Pipeline Safety Trust: CO2 pipelines are susceptible to ductile fractures, which can, like a zipper, open up and run down a significant length of the pipe, they can release immense amounts of CO2, hurl large sections of pipe, expel pipe shrapnel, and generate enormous craters. Water, notoriously difficult to eliminate from CO2 pipelines, allows the formation of carbonic acid in the pipeline which has a ferocious appetite for carbon steel.	The AOGCC appreciates the comments and agrees with your comments around risks of corrosion and CO2 leaks in pipelines and injection wells. The AOGCC believes that the proposed regulations, which establish highly stringent permitting and monitoring standards provide protection from incidents of the type noted by the commenter. As EPA and industry accumulate knowledge, AOGCC continues to rely on EPA, IOGCC, GWPC, PCOR partnership, and EERC for their continuous support and expertise. The regulations (20 AAC 25.1040) require the AOGCC to collect an application fee that is determined on a case-by-case basis and designed to cover the AOGCC's actual cost of reviewing an application, including hiring contractors to provide expertise in areas the AOGCC may not have such expertise in house.
20 AAC 25.435 and 20 AAC 25.442 USDW Protection	Center for Biological Diversity (CBD)	The Proposed Regulatory Changes Would Not Adequately Protect Underground Sources of Drinking Water.	The AOGCC believes the proposed regulations fully protect underground sources of drinking water. 20 AAC 25.435 mirrors 40 CFR 144.7(a), 20 AAC 25.440 mirrors 40 CFR 144.7(b) and 40 CFR 146.4, and 20 AAC 25.442 mirrors 40 CFR 144.7(d). Together these regulations provide the identification, monitoring, and testing standards designed to fully protect underground sources of drinking water.

EPA vs State of Alaska in litigation	Center for Biological Diversity (CBD)	Should the state obtain primacy over Class VI wells, Alaska's fee shifting rule, which allows for unsuccessful plaintiffs to be forced to pay for the prevailing party's fees in addition to their own, chills public interest litigation and is incompatible with the citizen enforcement provisions of the SDWA. This issue could also lead to litigation over the state's application, which would, at best, slow down and complicate the process; for example, litigation related to the SDWA and the enforcement provisions in Louisiana's Class VI primacy framework is ongoing.	The AOGCC appreciates your comment. This comment relates to matters outside AOGCC authority or the proposed regulations. The AOGCC believes that the concerns expressed are unlikely as the AOGCC has proposed regulations that implement state law and are at least as stringent as the corresponding federal requirements.
20 AAC 25.444 Transitioning from a Class II well to a Class VI well	Center for Biological Diversity (CBD)	The proposed regulatory changes to 20 AAC 25.444, entitled "Transitioning from a Class II well to a Class VI well", would add requirements for when an operator of a Class II well must newly transition to and obtain a Class VI permit, such as "when the primary purpose is the longterm storage of carbon or there is an increased risk to underground sources of drinking water compared to Class II operations." Unfortunately, the proposed regulatory text does not establish mandatory triggers for when a well operator must undertake such	The AOGCC believes that 20 AAC 25.444 as set out in the draft regulations imposes responsibility on both well operators and the AOGCC to ensure compliance with AS 41.06 and protection of USDW. The AOGCC is comfortable that the factors set out in 20 AAC 25.444 (b) set out robust regulatory language of the factors that must be considered when determining if there is a need to convert to a Class VI well.

		a transition from a Class II well permit to a Class VI well permit. The proposed regulatory language explains that the onus is on the well owner or operator to evaluate whether any changes to the well purpose or risks to drinking water exist leaving the fox to guard the henhouse, since there is little to no incentive for well owners/operators to upgrade from less strict Class II permit conditions to a more protective Class VI permit.	
20 AAC 25.444 Transitioning from a Class II well to a Class VI well	Center for Biological Diversity (CBD)	Additionally, while the proposed regulatory changes establish factors that the Commission must evaluate when "determin[ing] when the primary purpose of injection is longterm carbon storage or there is an increased risk to underground sources of drinking water compared to Class II operations," the regulations do not establish any mandatory trigger or obligation for the Commission to undertake any such analysis. Leaving this analysis to the Commission's discretion effectively means that there is little, if any, incentive for the state to undertake this analysis, particularly because (should primacy be granted) the other	The AOGCC believes that the regulations as proposed establish rigorous standards for the owner or operator and the commission to evaluate when the primary purpose of long-term injection is carbon storage through the factors set out in 20 AAC 25.444. The AOGCC does not agree that there is "little if any, incentive" to undertake the analysis because the commission does and intends to continue to exercise its statutory authority to protect the environment and public health. The factors in 20 AAC 25.444 cover the essential aspects to determine if a Class II well should be transitioned to a Class VI well including reservoir pressure, increase in injection, decrease in production, the suitability of the area, including the quality of abandoned plugs, the source of the carbon dioxide and additional site-specific factors determined by the commission. Commission staff is highly

		mandatory obligations of a Class VI permitting program, limited staff resources, and lack of technical expertise will take precedence for the state's already overburdened and under resourced regulatory agency.	experienced, and the AOGCC is comfortable that our regulatory oversight will remain accountable and exemplary.
20 AAC 25.444 Transitioning from a Class II well to a Class VI well	Center for Biological Diversity (CBD)	Finally, the proposed regulatory changes establish no public oversight mechanism which would allow the public to seek to enforce an analysis of "when the primary purpose of injection is long-term carbon storage or there is an increased risk to underground sources of drinking water when compared to Class II operations." Not only do the regulations not establish mandatory triggers for when a Class II permit must be transitioned to a Class VI permit but, as discussed above, the state's fee shifting provisions effectively foreclose any citizen enforcement of such regulatory provisions.	The AOGCC has an established website at https://www.commerce.alaska.gov/web/aogcc/ which includes information on how to contact the commission and staff and includes a form to notify the commission of any complaints or potential violations within the Commission's authority. The AOGCC can request information from the regulated operators at any time and call public hearings and issue orders that are available to the public via our website. AOGCC has an established Class II enforcement process which will be carried over to the Class VI program once Class VI primacy is achieved.
20 AAC 25.1010. Prohibition of movement of fluid into underground sources of drinking water;	Center for Biological Diversity (CBD)	(b) If contaminants are found to be affecting an underground source of drinking water, the Commission should additionally *require* immediate cessation of operations while, not just additional requirements for "construction,	The AOGCC believes the proposed regulations are as protective of underground sources of drinking water as the federal code and work for Alaska conditions. 20 AAC 25.1010(b) mirrors 40 CFR 144.12(b)., and the AOGCC believes the CFR provisions for protection of underground sources of drinking water are robust.

emergency actions.		corrective action, operation, monitoring, or reporting, including closure of the injection well"	The requirement set out in 20 AAC 25.1010 that the commission "will" impose additional requirements, in addition to the authority for the commission to take emergency action, will, the AOGCC believes, provide protection to underground sources of drinking water.
20 AAC 25.1010. Prohibition of movement of fluid into underground sources of drinking water; emergency actions.	Center for Biological Diversity (CBD)	(c) The requirement that the Commission "*may* take emergency action upon receipt of information that a contaminant which is present in or likely to enter a public water system or underground sources of drinking water may present an imminent and substantial endangerment to the health of persons" should be changed to a mandatory "must."	The AOGCC believes the proposed regulations are as protective of underground sources of drinking water as the federal code. 20 AAC 25.1010(c) mirrors 40 CFR 144.12(e). The AOGCC understands the commenters concern, but it believes that together 20 AAC 25.1010 (b) and (c) provide stringent and protective requirements to monitor and address concerns related to underground sources of drinking water.
20 AAC 25.1060. Minimum criteria for siting	Center for Biological Diversity (CBD)	(b) Permissive "may" should be changed to "must" for when the Commissions can require "the storage operator identify and characterize additional zones that will impede vertical fluid movement, are free of faults and fractures that may interfere with containment, allow for pressure dissipation"	20 AAC 25.1060 establishes the minimum criteria for siting a storage facility and is as stringent as the federal rule (40 CFR 146.83). The AOGCC is comfortable that the demonstration required of a storage operator under 20 AAC 25.1060 (a) covers the information needed to determine if a site is suitable. As to the "may" in (b), the AOGCC believes that the current language provides for the needed flexibility for commission review of a proposed site while still establishing robust siting criteria and demonstration.

20 AAC 25.1070. Area of review; corrective action.	Center for Biological Diversity (CBD)	The proposed regulations should empower members of the public to provide input on the relevant area of review, and the proposed regulations should include specific additional and increased evaluation where there are vulnerable public infrastructure, homes, highways, etc. that could be impacted by any proposed Class VI well and association infrastructure (including pipelines).	20 AAC 25.1070 establishes delineation of the area of review, and identification of corrective action and is as stringent as the federal rule (40 CFR 146.84). The AOGGC agrees that public notice and process as set forth in the draft regulations, 20 AAC 25.1150, provide the type of notice suggested by the comment.
20 AAC 25.1100. Draft permit; fact sheet.	Center for Biological Diversity (CBD)	(b), (e), (f) The proposed regulations should make explicit that the public should have the opportunity to comment on any proposed permit approval or denial, and any such fact sheet for a proposed approval must be expeditiously made available to the public.	20 AAC 25.1100 implements 40 CFR 124.6, 124.8, 124.10, 144.31, and 40 CFR 145.11 and AOGCC believes these to be as stringent as the federal code requirements. AOGCC believes that the current public process in 20 AAC 25.1100 and 20 AAC 25.1150 meet the concerns set out in the comment.
20 AAC 25.1140. Schedule of compliance.	Center for Biological Diversity (CBD)	(b) In addition to "report[ing] any noncompliance which may endanger health or the environment" to the Commission, the storage operator should be required to make such information immediately available to the public.	20 AAC 25.1140 establishes a schedule of compliance that is as stringent as the federal rule (40 CFR 144.53) and that that schedule complies with Alaska statutes on underground carbon storage and provides necessary notice. 20 AAC 25.1260 establishes emergency and remedial response plan (ERRP) requirements. EPA's issued guidance and ERRP template has a section titled Emergency Communications Plan. In this section it states "…applicant…will communicate to the public about any event that requires an emergency response to ensure that the public

			understands what happened and whether or not there are any environmental or safety implications. The amount of information, timing, and communications method(s) will be appropriate to the event, its severity, whether any impacts to drinking water or other environmental resources occurred, any impacts to the surrounding community, and their awareness of the event." AOGCC believes the EERP requirements at 20 AAC 25.1260 will satisfy the commenters public notification concerns on endangerment of health or the environment.
20 AAC 25.1140. Schedule of compliance.	Center for Biological Diversity (CBD)	(c)(13) Public notice for permit comment and hearing proceedings should additionally include direct outreach to members of the public living, working, or recreating within the area of review for the proposed permit	20 AAC 25.1140 implements notice required by both state (AS 41.06.125) and federal law and established significant public outreach. 20 AAC 25.1100(f) provides for notice of a draft permit and fact sheet, and 20 AAC 25.1150 establishes the process and recipients of notice, including persons who request to be on an area notice developed by the commission (20 AAC 25.1050(c)(13). AOGCC believes that the regulations as drafted provide adequate public notice options that address the commenter's concern.
20 AAC 25.1200. Financial responsibility	Center for Biological Diversity (CBD)	(d)(1)(D) The proposed regulations should not allow for the discharge of any financial assurances upon commencement of bankruptcy Chapter 11 reorganization proceedings. Such environmental	20 AAC 25.1200 (c)(1) (D) implements 40 CFR 146.85 and AOGCC believes these to be as stringent as the federal code requirements. AOGCC is comfortable that the current regulations provide the protective coverage needed by the State through robust financial assurances. Further, whether an

		cleanup or remediation obligations should be considered non-monetary mandatory regulatory obligations that are non-dischargeable during bankruptcy reorganization proceedings particularly because reorganization allows for the business to remerge from bankruptcy as a going concern which should be able to bear such obligations under the reorganized entity.	obligation is dischargeable in bankruptcy is a matter of federal law.
20 AAC 25.1200. Financial responsibility	Center for Biological Diversity (CBD)	(g), (h) Financial mechanisms allowed to demonstrate financial responsibility should disallow blanket bonding for entities with more than one Class VI well permit, as well as owner/operator self-insurance. Numerous examples in the oil and gas well bonding context have demonstrated that such practices inevitably result in inadequate bond amounts for environmental cleanup and monitoring costs.	20 AAC 25.1200 (g) and (h) implements 40 CFR 146.85 and AOGCC believes these to be as stringent as the federal code requirements, and that provisions allowing a combination of instruments establishes sufficient financial assurances as the regulation recognizes that financial responsibility may be determined by a combination of mechanisms that must be at least equal to the current cost estimate. The regulations, 20 AAC 25.1200 (n) and (o) detail the requirements for cost estimates and adjustments required for inflation to assure adequate bonding amounts.
20 AAC 25.1260. Emergency and remedial response.	Center for Biological Diversity (CBD)	Any emergency and remedial response plan must include proactive outreach to first-responders to inform of the unique vulnerabilities and risks to human health and safety which surround CO2 leakage – including but not limited to, CO2 flows to low-lying areas, effect on combustion engine	20 AAC 25.1260 establishes emergency and remedial response plan (ERRP) requirements and is as stringent as the federal rule (40 CFR 146.94). The AOGCC believes that the standards in 20 AAC 25.1260 protect the public and environmental health. AOGCC agrees CO2 leakage can pose “unique vulnerabilities and risks to human health and safety” but believes this will be addressed in the

		rescue equipment, oxygen supplementation equipment, and any other unique hazards first responders may not be aware of concerning CO2 leakage.	ERRP under the various scenarios and response procedures. EPA has issued guidance and an ERRP template. Multiple permit applications (publicly available) have been received by EPA and primacy states containing ERRPs outlining the risks and response scenarios highlighted by the commenter. AOGCC plans for stringent review of a storage operator's ERRP. Like other states, AOGCC will encourage applicants to ensure that appropriate community representatives are a part of the development of the ERRP, including training local responders to respond to emergencies at the facility, working with the community to identify the chain of command for notifying the public of an emergency; and developing plans for notification of well related issues and emergencies (considering local community language needs and the needs of persons with disabilities).
20 AAC 25.1310. Post-injection site care; site closure; monitoring timeline.	Center for Biological Diversity (CBD)	(b)(5), (g) The owner/operator should be responsible for post-injection site care and monitoring for at least 50 years, and such liability should not be transferred to the state at any time prior.	20 AAC 25.1310 implements AS 41.06.170 and also the requirements of 40 CFR 146.93. The AOGCC believes these to be as stringent as the federal code requirements. The default monitoring period is 50 years, and a storage operator seeking an alternate timeframe must make a demonstration that the storage facility poses no danger to underground sources of drinking water. Approval of an alternate timeframe requires consultation with the EPA and a demonstration based on significant, site-specific date. The AOGCC is comfortable that the regulations as drafted provide robust post-injection site care and monitoring

			Further, 20 AAC 25.1250 requires monitoring to assure protection of underground sources of drinking water and non-escapement of carbon dioxide AS 41.06.170 passed by the Alaska legislature speaks to AOGCC issuing a certificate of completion which is codified at 20 AAC 25.1320.
20 AAC 25.1410. Modification, revocation and reissuance of permit.	Center for Biological Diversity (CBD)	The public should be given a mandatory right and opportunity to comment and engage in a hearing process for any modification, revocation and reissuance of a permit.	20 AAC 25.1410 establishes the standards and process for modification of a permit and is as stringent as the federal rule (40 CFR 144.35(a) and 40 CFR 144.39). The AOGCC believes that the modification, revocation and reissuance process provides adequate public notice of storage facility permit modifications. Under 20 AAC 25.1410(c) a permit modification, other than a minor modification, is subject to the procedures in 20 AAC 25.1150, Public hearing; notice; public comment.
Conclusions	Center for Biological Diversity (CBD)	Thank you for your careful consideration of our comments and concerns with the proposed changes to regulations in Title 20 Chapter 25 of the Alaska Administrative Code dealing with carbon storage as it relates to Class VI wells and establishing a new Class VI Underground Injection Control program for Alaska. Given the many problems associated with CCS and state-level primacy, we urge the	AOGCC appreciates the detailed comments and participation in the process. It is AOGCC's continued intent to move forward with the pursuit of Class VI primacy, and the adoption of conforming regulations for carbon storage is a major step.

		Commission not to move forward with these regulatory changes in support of a Class VI primacy application. And if the Commission does still choose to move forward with these regulatory changes, we urge you to strengthen the proposed Class VI regulations to better protect Alaskans from the myriad risks associated with this undertaking. We thank you for considering these comments.	